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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

In re MORNING SONG BIRD FOOD
LITIGATION

Lead Case No.
3:12-cv-01592-JAH-RBB

This Document Relates To:

ALL ACTIONS.

CLASS ACTION

PLAINTIFFS' NOTICE OF MOTION
AND MOTION FOR CLASS
CERTIFICATION, APPOINTMENT
OF CLASS REPRESENTATIVES
AND APPOINTMENT OF CLASS
COUNSEL

JUDGE: Hon. John A. Houston
DATE: November 24, 2014
TIME: 2:30 p.m.
CTRM: 13B (13th Floor-Annex)

1 TO: ALL PARTIES AND THEIR ATTORNEYS OF RECORD

2 PLEASE TAKE NOTICE that, on November 24, 2014 at 2:30 p.m., or as soon
3 thereafter as the matter may be heard in Courtroom B, First Floor of the above-entitled
4 Court, located at 221 West Broadway, San Diego, California 92101, Plaintiffs, by and
5 through their undersigned attorneys, will and hereby do, move this Court for an order
6 granting their motion for class certification, appointing plaintiffs Laura Cyphert,
7 Milton Cyphert, Barbara Cowin, Ellen Larson, and David Kirby as Class
8 Representatives, and appointing Co-Lead Counsel to serve as Class Counsel.

9 This motion is based on this Notice, the Declarations of Jason A. Forge,
10 Douglas P. Dowd, John J. Driscoll, Laura Cyphert, Milt Cyphert, Barbara Cowin,
11 Ellen Larson, David Kirby and the accompanying Memorandum of Points and
12 Authorities and exhibits thereto.

13 DATED: October 20, 2014

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Co-Lead Counsel and Counsel for
Dowd/Driscoll Plaintiffs

CERTIFICATE OF SERVICE

I hereby certify that on October 20, 2014, I authorized the electronic filing of the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the e-mail addresses denoted on the attached Electronic Mail Notice List, and I hereby certify that I caused to be mailed the foregoing document or paper via the United States Postal Service to the non-CM/ECF participants indicated on the attached Manual Notice List.

I certify under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed on October 20, 2014.

s/ Jason A. Forge
JASON A. FORGE

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Mailing Information for a Case 3:12-cv-01592-JAH-RBB In Re: Morning Song Bird Food Litigation

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Manual Notice List

The following is the list of attorneys who are **not** on the list to receive e-mail notices for this case (who therefore require manual noticing). You may wish to use your mouse to select and copy this list into your word processing program in order to create notices or labels for these recipients.

- (No manual recipients)